

## **Governor's Task Force on Human Trafficking**

### ***Potential Recommendations as Discussed to Date***

*This document reflects Task Force meeting discussion to date and does not reflect consensus.*

“The Task Force shall meet to... make recommendations to the Governor for any changes in law, administrative practice or law enforcement training that will reduce human trafficking in Arizona and improve ways to identify and assist the victims of human trafficking.”

#### **LAW**

- Authorize the seizure and forfeiture of assets for the crime of human trafficking, including, but not limited to: all vehicles, monies, or real property used to facilitate trafficking offenses or any monies or property derived from trafficking proceeds.
- Assess whether current statutory charges are appropriate for johns when considering whether they knew the victim was a juvenile when they committed the offense.
- Enhance penalties against johns.
- Authorize victims of human trafficking to bring a civil cause of action against their trafficker.
- Establish or encourage an ongoing task force, commission, or advisory committee dedicated to addressing human trafficking within Arizona.
- Recognize sex trafficked individuals under 18 as victims of a crime in need of protection and services by granting immunity from prosecution or diverting the child from juvenile delinquency proceedings, and instead directing them to child welfare services.
- Provide assistance, mandate the creation of a victim services plan, or enhance funding for programs that help victims of human trafficking. Victim services may include counseling, job assistance, housing, continuing education, legal services, and a human trafficking caseworker privilege.
- Explore a judicial review process that allows for vacating low level offenses from a victim's criminal record that were committed in furtherance of or as result of their victimization through engaging in prostitution related activities.
- Consider a statutory change to how victims are charged when they have had prior arrests and/or convictions.
- Evaluate inconsistencies between the federal Trafficking Victims Protection Act (a person under 18 who is induced to perform a commercial sex act is a victim of a severe form of trafficking, 22 U.S.C. 7102) and state prostitution laws that prevent minors from being prosecuted for prostitution when the combination of their age and victimization can be used as a prohibitive defense against criminal prosecution.
- Consider removing the current statutory distinction between victims who are under 15 and those who are 15, 16, and 17 years old.
- Add “sex trafficking” to A.R.S. § 13-2301(D)(4).
- Create a requirement for sexually transmitted infections and/or HIV testing for traffickers, johns/customers and victims of sex trafficking as a condition of case resolution with a provision to offer this service to juvenile victims of domestic minor sex trafficking as a means to promote victim health and safety and to assist in arresting the spread of communicable diseases.
- Explore the value and legality of collecting and retaining the DNA of persons arrested for a sex trafficking related offense (both trafficker & customer) as a way to allow police to properly investigate incidents of sexual violence committed against trafficking victims as well as provide additional evidence that may help to solve other, serious crimes in the future.

#### **ADMINISTRATIVE PRACTICE (STATE)**

- Look at the Arizona child welfare system and the vulnerability of the children therein to trafficking.
- Develop a multidisciplinary approach to human trafficking. Encourage collaboration and communication between jurisdictions.
- Consider how to achieve greater federal, state, and local coordination on human trafficking issues.
- Strengthen diversion programs.
- Enhance access to victim's services.
- Launch a public awareness campaign to educate the general public on human trafficking issues. Encourage a zero tolerance policy toward human trafficking, especially with regard to the sex trafficking of minors.
- Encourage or mandate posting of a national or state help hotline in places where victims are most likely to come into contact with it: strip clubs, sexually oriented businesses, any business that has previously been cited as a nuisance for prostitution, establishments with a liquor license, airports, bus/train stations, emergency rooms, and farms.
- Work to address the prevalence of trafficking on Backpage.com.
- Encourage or mandate basic training on human trafficking for professions and stakeholders engaged in trafficking issues throughout the State (e.g. first responders and child welfare workers). Ensure training on human trafficking is comprehensive and encompasses how to identify victims and refer them to appropriate services.
- Collect and track trafficking data; particularly within the child welfare system.

#### **LAW ENFORCEMENT TRAINING**

- Establish and incorporate Arizona POST certified training on human trafficking as a basic curriculum requirement for new officer training at Arizona police academies.
- Collect and track trafficking data.